

REMARKS

Claims 27 to 46 are added, and therefore claims 14 and 16 to 46 are now pending in the present application.

It is respectfully submitted that all of the presently pending claims 14 and 16 to 46 are allowable, and reconsideration is respectfully requested.

Applicants thank the Examiner for acknowledging the claim for foreign priority, and for indicating that all certified copies of the priority documents have been received from the International Bureau.

Claims 14 to 26 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,388,896 ("Hartmann") in view of U.S. Patent No. 6,030,055 ("Schubert").

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the obviousness rejection of claim 14 may not be agreed with, to facilitate matters, claim 14 has been rewritten to better clarify its subject matter.

Claim 14, as presented, includes the features of *determining a second pressure differential of the hydraulic pressure differentials dropping at the second intake valve from a*

first pressure differential of the hydraulic pressure differentials dropping at the first intake valve, determining, from the second pressure differential, a coil current for generating the second pressure differential, and using the determined coil current to generate the second pressure differential.

In contrast, the “Hartmann” reference refers to preventing the difference between the brake pressures of two wheels from exceeding a maximum value. Specifically, the “Hartmann” reference mentions the following: “influencing a build-up of braking pressure . . . such that a pressure differential between the braking pressure on the first and second wheels does not exceed a preselected threshold pressure differential” (col. 1, ll. 51-56); a “permissible pressure differential” (col. 2, l. 36); and if the differential value exceeds the comparison value, then one of the valves allocated to the wheels “is triggered to prevent a further build up of pressure on the corresponding wheel having the higher pressure” (col. 4, ll. 48-55).

Accordingly, the “Hartmann” reference only refers to preventing the difference in pressure between two wheels from exceeding a maximum. In contrast, the claimed subject matter concerns *generating* a pressure differential dropping at a second intake valve by determining an appropriate coil current based on the pressure differential dropping at a first intake valve. This is in stark contrast to merely *triggering a valve to prevent a further build up of pressure*, as in the “Hartmann” reference.

Furthermore, even though the “Schubert” reference may refer to the relationship between current and differential pressure, the “Schubert” reference does not cure -- and is not asserted to cure -- the deficiencies of the “Hartmann” reference. The “Schubert” reference does not disclose (nor even suggest) the features of *using one pressure differential to determine a coil current for generating a second pressure differential, and using that coil current to generate the second pressure differential.*

In particular, the combination of the “Hartmann” and “Schubert” references cannot be extended beyond the limitations of the “Hartmann” reference. The “Hartmann” reference only refers to preventing a build up of braking pressure on one wheel beyond a threshold pressure difference between two wheels. The “Schubert” reference is relied upon as assertedly disclosing the relationship between current and differential pressure. Any application of this relationship, however, cannot extend the “Hartmann” reference beyond preventing a further build up of braking pressure on one wheel that has a greater braking pressure than that of a second wheel.

Accordingly, for at least the foregoing reasons, claim 14, as presented, is allowable, as are its dependent claims 16 to 23. Claim 24, as now presented, includes features like those of claim 14, as presented, and is therefore allowable for essentially the same reasons as claim 14, as are its dependent claims 25 and 26. Also, claim 25 has been slightly rewritten as a grammatical matter.

New claims 27 to 46 do not add any new matter and are supported by the present application, including the specification. New claims 27 to 40 depend from claim 24, as presented, and are therefore allowable for the same reasons. New claims 41 to 46 depend from claim 14, as presented, and are therefore allowable for the same reasons.

In summary, all of claims 14 and 16 to 46 are allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims 14 and 16 to 46 are in condition for allowance. It is therefore respectfully requested that the rejections (and any objections) be withdrawn. All issues raised by the Examiner have been addressed, and an early and favorable action on the merits is therefore respectfully requested.

Respectfully submitted,

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